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TECH CENTER 1600/2900

AMENDMENT TRANSMITTAL LETTER			DOCKET NUMBER: P-UW 3570	
SERIAL NO: 09/323,738	FILING DATE: June 1, 1999	EXAMINER: G. Ewoldt	GROUP ART UNIT: 1644	
INVENTION: COMPOSITIONS AND METHODS FOR TREATING DIABETES				

TO COMMISSIONER FOR PATENTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C., 20231 on February 19, 2002.



By: David A. Gay
David A. Gay, Reg. No. 39,200
February 19, 2002
Date of Signature

Transmitted herewith is a Response to Office Action mailed September 19, 2001, in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- ☒ Petition for Extension of Time is enclosed (in duplicate).
- ☒ No additional claims fee is required.
- ☐ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

CLAIMS AS ATTENDED											
	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE		FEE		
							SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	40	-	40	-	0	x	\$9	\$18	=	\$0	\$
INDEPENDENT CLAIMS	4	-	4	-	0	x	\$42	\$84	=	\$0	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM											
		_____ YES		_____ X _____ NO			\$140	\$280	=	\$0	\$
							TOTAL ADDITIONAL FEE			\$0	\$

* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

*** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

☐ Please charge my Deposit Account No. 03-0370 the amount of \$_____. A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$200.00 is enclosed, which covers the fee for a two-month extension of time.

Inventors: Osborne and Ramesh
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Filed: June 1, 1999
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- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

February 19, 2002
Date

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TECH CENTER 1800/290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Osborne and Ramesh)
Serial No: 09/323,738)
Filed: June 1, 1999)
For: COMPOSITIONS AND METHODS)
FOR TREATING DIABETES)

Group Art Unit: 1644

Examiner: G. Ewoldt

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Commissioner for Patents
Washington, D.C. 20231

By:

David A. Gay
David A. Gay, Reg. No. 39,200

February 19, 2002
Date of Signature

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed
September 19, 2001, entry of the following remarks is
respectfully requested.

REMARKS

Claims 1-40 are pending and claims 17-39 are currently
under examination in the above identified application.

Claims 17-39 stand rejected under 35 U.S.C. § 112,
first paragraph, allegedly because the scope of the claims is not
commensurate with the enablement provided in the specification.
The Office Action alleges that the claims encompass a non-working
embodiment because they include the use of transfected β islet
cells which contain antigens that would target the cells for
destruction in a diabetic individual.